

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, November 23, 2004, at 9:30 a.m., the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Greg Jergeson, Commissioner
Matt Brainard, Commissioner- via telephone
Jay Stovall, Commissioner- via telephone

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(244) In the matter of the approval of Commission Minutes for the week of November 8, 2004. Commissioner Jergeson moved to approve the minutes for the week of November 8, 2004. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Mike Lee
Utility Division

(245) In the matter of the Commission's discussion of Universal Funding:

Commissioner Jergeson moved to authorize a letter to go to the Montana Congressional delegation subject to minor editing. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan, Utility Division
Monica Tranel, Legal Division

(246) In the matter of the Commission's discussion of D2004.11.177, D2004.11.181, D2004.11.180, D2004.11.179, D2004.9.147- Qwest Corporation, Contact Communications, Northstar Telecom, Z-Tel Communications Interconnection agreements:

Commissioner Schneider moved to treat the commercial line sharing agreements under 252A as previous similar agreements and proceed to notice them and put them on a 90-day track. Commissioner Jergeson seconded the motion, which passed with a vote of 4-1. Commissioner Rowe voted nay.

Commissioner Schneider moved to treat the QPP agreements; D2004.11.178 and D2004.11.179

as agreements similar to those previously done. Commissioner Jergeson seconded the motion, which passed with a vote of 4-1. Commissioner Rowe voted nay.

APPEARANCE
Monica Tranel
Legal Division

(247) In the matter of the Commission's discussion of Qwest QCC-MCC Stipulation in D2003.10.153:

Commissioner Schneider moved to proceed with the December 20, 2004, hearing on the stipulation between QCC and MCC- Docket D2003.10.153 with no anticipation of cross-examination of witnesses. There may be questions on the stipulation for the attorneys. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Monica Tranel, Legal Division
Phil Cooke, Tina Shorten
Utility Division

(248) In the matter of the Commission's discussion of Qwest Petition for Amendment of Administrative Rule ARM 38.5.3339:

Commissioner Jergeson moved to grant the petition for amendment of ARM 38.5.3339 and have staff return with a draft of the proposed rulemaking amendment. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE
Al Brogan, Robin McHugh
Legal Division

(249) In the matter of the Commission's discussion of PPL Montana market based rate filing at FERC and Market Power Analysis:

Commissioner Schneider moved to have the Montana PSC file for an intervention in the FERC docket and request an extension of time for analysis. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Will Rosquist, Marla Larson
Utility Division

(250) In the matter of the Commission's discussion of NorthWest Power Conservation Council draft Fifth Power Plan:

Commissioner Schneider moved to issue comments of the Montana PSC on NorthWest Power and Conservation Council's fifth power plan. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE
Al Brogan
Legal Division

(251) In the matter of the Commission's discussion of N2004.11.185- Securities Exchange Commission request for responses regarding Black Hills Corporation:

Commissioner Schneider moved to send the letter as drafted with the editorial changes by Chairman Rowe to the Securities Exchange Commission and to authorize Commissioner Rowe to sign it on behalf of the Public Service Commission. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE
Al Brogan, Legal Division
Leroy Beeby, Utility Division

(252) In the matter of the Commission's discussion of NorthWestern Energy's electric and natural gas property tax trackers filing- D2004.11.186:

Commissioner Jergeson moved to issue the draft of Notice of Application and Opportunity to Comment D2004.11.186.

Commissioner Jergeson made a substitute motion to set a hearing for Notice of Application and Opportunity to Comment for a hearing with a mid-December date open for the hearing. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE
Martin Jacobson, Legal Division
Mike Lee, Utility Division

(253) In the matter of the Commission's discussion of ETC Rulemaking- L-04.07.5-RUL:

Commissioner Brainard moved to deny the motions for continuance. Commissioner Jergeson

seconded the motion, which passed 3-1. Commissioner Rowe recused himself from the vote. Commissioner Stovall voted nay.

APPEARANCE

Al Brogan
Legal Division

(254) In the matter of the Commission's discussion of PacifiCorp Transition Plan Docket-D97.7.91:

Commissioner Brainard moved to deny the motions for reconsideration. Commissioner Stovall seconded the motion, which failed with a vote of 2-2. Commissioner Schneider recused himself from the vote. Commissioners Rowe and Jergeson voted nay.

Commissioner Jergeson moved to grant the motion for reconsideration filed by Montana Consumer Council and Plum Creek Timber. Commissioner Rowe seconded the motion, which failed with a vote of 2-2. Commissioner Schneider recused himself. Commissioners Brainard and Stovall voted nay. The Commission's initial order remains in place.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division
Kate Whitney, Administrator Utility Division

(255) In the matter of the Commission's discussion of Personnel and Budget- Employee pay request:

Commissioner Schneider moved that with respect to a discussion of a proposed salary increase for Ann Purcell, that Ann has an expectation of privacy that is reasonable, that the demands of Ann's privacy clearly exceed the merits of public disclosure, and the remainder of the meeting to have such discussion be closed. Commissioner Jergeson seconded the motion, which passed unanimously.

Commissioner Schneider moved to approve the salary change for Ann Purcell via a pay exception. Commissioner Stovall seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Judy Scheier
Assistant Commission Secretary

(SEAL)